IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 16318 of 2004

Between:

Narne Hemalatha , W/o. Krishnaiah,
Shop No.13, Alakurapadu Village, Tangutur Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Prakasam District, Ongole.
3 The Mandal Revenue Officer, Tangutur Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the action of the 1st respondent in issuing the impugned proceedings in Rc.CS2/2882/2004, dated 20-08-2004 as illegal, arbitrary and offending Art.14 and 21 of the Constitution of India and consequentially to stay the operation of the proceedings of the 2nd respondent in Rc.No.C/824/2004, dated 15-7-2004 pending the enquiry before the 2nd respondent.

Counsel for the Petitioner: MR.MADHAVA RAO NALLURI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following**:**

ORDER:

Petitioner is an authorised dealer in respect of Fair Price Shop No.13 of Alakapurapadu village, Tangutur Mandal, Prakasam District. Her authorisation has been suspended by the Revenue Divisional Officer by order dated 15.07.2004, pending enquiry into the alleged irregularities in distribution of essential commodities. Against the said order, the petitioner preferred an appeal before the first respondent along with an application for stay. The first respondent having entertained the appeal by order dated 20.08.2004 rejected the application for stay, which is under challenge in this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

Though the learned counsel for the petitioner raised various grounds contending that all the allegations made against the petitioner are false and without any basis, I am not inclined to express any opinion on merits since the statutory appeal is pending before the first respondent. So far as the impugned order in rejecting the stay pending the appeal is concerned, having regard to the nature of the allegations, I am unable to hold that the said order suffers from any infirmity.

In the circumstances, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the appeal pending on his file against the order of the second respondent dated 15.07.2004 and

pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

_____

13.09.2004

Note: Furnish CC in two days

(b/o)

VGB

To

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Prakasam District, Ongole.
3 The Mandal Revenue Officer, Tangutur Mandal, Prakasam District.

4 2CCs to the Government Pleader for Civil Supplies, High Court

Buildings, Hyderabad (OUT)

5 2CD copies